

THE THEORETICAL-CONCEPTUAL AND NORMATIVE-LEGAL ANALYSIS OF HUMAN RESOURCE DEVELOPMENT IN PUBLIC INSTITUTIONS

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Abstract. *In this scientific paper is performed a theoretical-conceptual and normative-legal analysis of human resource development. In the first part of the paper are presented several concepts regarding the development of human resources and the tangency they have with this activity. In this way, the conceptions of several authors concerned with this domain of activity were presented. In the second part of the paper, an analysis of the normative-legal aspect is accomplished, aiming the development of human resources in public institutions in the Republic of Moldova.*

The development of human resource in the public sphere in the Republic of Moldova is regulated by a series of normative acts; they offer a model of development and promotion typical for all national public institutions. From a legislative point of view, the development of human resource in public administration is based on Section 3 of Law no. 158 of July 4, 2008 on 'Civil service and the status of civil servant', 'The regulation regarding the continuing professional development of civil servants' approved by Government Decision no.201 on March 11, 2009, supplemented by the 'Training program for civil servants for 2016-2020' approved by Government Decision no.970 on August 11, 2016.

Keywords: *development, human resource, management, performance, public administration.*

JEL CLASSIFICATION: M12; M21.

INTRODUCTION

The great changes in society, generated by the informational revolution and technical innovation, demographic dynamic, as well as the effects of economic globalization on the labor market, have fundamentally influenced the training and professional development systems in the last decades.

The efficiency of the public institution depends on the performance of its employees; the competitiveness of the public institution is achieved only with the help of employees of high professional and moral quality. To do this, it is necessary to invest continuously in its human resources, while pursuing the development of their professional skills and knowledge. The lack of specialists in the domain has generated the employment of people without special education, which has led to an even more pronounced decrease in human resources trained in public administration.

The actuality of the subject - the development of human resource in public administration - is dictated by the contemporary society that wants qualitative public services, technological development that requires the possession of certain skills and knowledge in the domain, the requirements of a competitive economy, international standards regarding public services and of the Association and Free Trade Agreement with the European Union, which contains relevant provisions in order to increase the quality of services provided by state institutions.

Today, the public administration in the Republic of Moldova doesn't have a modern training system in order to develop and maintain professional standards of conduct and the performance of its staff. Most public administration managers consider investing in staff development as a loss, not an investment.

In this scientific paper we aim to analyze the role and effectiveness of government strategies and programs of the Republic of Moldova in the domain of human resource development in public administration and their impact.

In order to analyze the role and effectiveness of government strategies and programs of the Republic of Moldova in the domain of human resource development in public administration and their impact, some of the most commonly used scientific research methods were applied: *documentary analysis* - studying legislation and guidelines developed with the participation of public authorities; *induction and deduction* - allowed the development of some ideas and theses.

THE THEORETICAL-CONCEPTUAL ANALYSIS OF HUMAN RESOURCE DEVELOPMENT

During the evolution of the society, the development of human resource went through different phases or stages, which led to the existence of several concepts related to this domain of activity. Several researchers in the domain of human resource management and human resource development have contributed to the realization and elucidation of the term of human resource development which for many is associated with the training one. Therefore, for the beginning we set out to review the concepts related to vocational training and human resource development in order to understand better the similarities and differences between them.

Thus, from M. Armstrong's point of view, 'training is a formal and systematic change in behavior, through learning as a result of education, educational activities, development and a practical and theoretical experience [1, p.491]. On the other hand, G. A. Cole defines training as 'an activity intended to acquire knowledge and skills specific to the exercise of a trade or the performance of an operation' [2, p.31].

At the same time, the university professor Dr. Ion Petrescu defines training 'as an activity carried out in order to acquire theoretical knowledge and practical skills, of a certain kind and level, able to ensure the qualified fulfillment by employees of the tasks assigned to them in the exercise, in the process of work, of a profession or trade' [3, p.52]. Starting from the submitted definitions, as well as from other definitions given in the specialty literature, we will try to set out our own definition with reference to vocational training.

According to literature, vocational training can be rendered by: vocational training, professional development, requalification and multiple qualifications, terms presented below.

Vocational training represents the set of processes through which employees acquire in an organized environment, knowledge, skills, abilities and behaviors necessary for the exercise of specific occupations of the company [3, p.52].

Professional development is the set of processes through which employees enrich their knowledge, skills, abilities, behaviors and work techniques, following an organized program, in which they already have a basic qualification, in order to achieve a higher level of their objectives and tasks to which they are assigned [4, p.354]. Therefore, we can consider that professional development is oriented rather towards future needs, than the immediate ones and that concerns more career progress and less current performance.

Requalification represents the set of activities, through which people with a certain professional qualification acquire another qualification. This is determined by the fact that the person with a certain qualification has no longer any chance on the labor market to find a certain occupation, which requires him/her to change the qualification, by acquiring some theoretical knowledge and practical skills different from those which he/she possesses at that time, but with a higher probability of being able to enter the labor market.

Multiple qualifications assume the obtaining of additional qualifications compared to the basic trade or profession for the purpose of multilateral staff training, in order to be able to work in several trades that are part of a broader profile.

In contrast to staff training, human resource development is a much more complex activity, which takes place over time. If staff training is carried out in a certain period of time necessary to acquire theoretical knowledge and practical skills, which allow the employee to perform certain work tasks, then staff development takes place permanently during the employee's activity and aims the improvement of knowledge and skills he possesses in order to face the new challenges the company undergoes to. Although, staff development refers more to management staff (managers), this activity can be attributed to other categories of staff (specialists, technicians, etc.), who wants to advance on a hierarchical scale.

Staff development involves improving the professional performances of employees and developing their intellectual potential in order to take on greater responsibilities in the future.

The most well-known method of evaluating the effectiveness of training and learning programs used by companies is Donald Kirkpatrick's 4-level model, being considered a standard in human resource training. This shows students' reactions to learning and behavior change to the desired results, being a simplified model of training effectiveness, without taking into account the influences of the context in which it takes place and the factors that may influence efficiency before, during or after the course. [5, pp.259-279].

Referring to professional skills, G. Le Boterf considers that contextual evolutions, work organization, the development of new information and communication technologies, as well as the evolution of research on learning processes and cognitive functioning, necessarily lead to a concept of competence: which is not limited to punctual skills, but takes into account the ability to manage increasingly complex professional situations. To be competent does not only mean to know how to execute an operation, but also to know how to act and react in a particular context, to know how to deal with the unpredictable and the unprecedented; which answers the question: *What does it mean to act competently?* To act competently does not only consist of having 'resources' (knowledge, skills, culture, professional qualities, psychological resources, etc.), but also the science of combining them and mobilizing them in work situations; to differentiate between 'succeed' and 'understand. Being competent doesn't mean only being capable of an activity, but also being able to understand why and how you succeeded (or failed); taking into account that being competent doesn't mean only being able to act in a single context, but also being able to transfer or transpose competence in other contexts [6, pp.15-18].

THE ANALYSIS OF NORMATIVE-REGULATORY DOCUMENTS IN THE DOMAIN OF HUMAN RESOURCE DEVELOPMENT

Undoubtedly, we can emphasize in any economic or social activity the special importance of the human factor. It is known the fact that human resource management is in the depths of human civilization. Still, the first representatives of mankind, who worked in different tribes, solved daily the problems of using physical and intellectual resources, quite modest, encountering in this process with work discipline, division of labor and motivation.

A training program is difficult to assess because the effect and direct benefits of a training course for civil servants and public administration is difficult to quantify. The appreciation of a training program is much easier when the results of the work are instantly visible and physically easy to identify, such as: reducing the number of typing mistakes or increasing the packing speed. But it is much more complicated to appreciate a program of training and development of managerial skills for civil servants in key positions, because the progress of the public institution is not only related to the leader or necessarily his managerial skills acquired through development programs but also by other factors (political, economic, socio-cultural factors).

Another factor that does not allow the development of civil servants is the reduced responsibility of the heads of departments / services / sections regarding their attributions to the process of training of subordinate civil servants, in most cases they consider that this task exclusively belongs to the human resource service and is not a part of the service obligations of the heads of departments / services / sections.

In most public administration reforms, one of the basic objectives is to reduce administrative costs by optimizing the staff. Thus, managers predict that they will have to perform the same or even more workload with the same number of staff or in the most frequent cases with fewer officials. And executive civil servants, in turn, realize that the new procedure will generate new responsibilities and additional efforts to be executed, without being rewarded for it. For this reason, both categories of civil servants are resilient to change and to the implementation of reforms. As a result of these resistances, additional costs are generated at best, or even worse, the total failure of the reform.

An important role in the process of administrative reforms and training of civil servants for this purpose is played by the *Regulation regarding the continuous professional development of civil servants*, which divides the training process into three types of training of civil servants. [7]:

Self-Training - according to the normative act quoted above, every civil servant is obliged to self-train, to improve independently his/her professional capacities and abilities in accordance with his/her duties and needs. The top managers of public authorities in the Republic of Moldova emphasize, in particular, this type of training, motivating that competition between officials stimulates them to self-train independently without incurring costs for the public authority.

Internal professional development - is organized by the public authority for its own staff, in accordance with the requirements and needs of the institution, often on its own, in case of need it may purchase training services within the budget available for this purpose.

External professional development - it is usually organized / coordinated centrally by the State Chancellery, ministries, other public authorities or development partners.

In order to improve the professional skills of civil servants and increase the quality of public services and to achieve the objectives and priorities of Government, this approved *the Training Program for Civil Servants for 2016-2020*[8].

The civil servant training program stipulates three sources of funding for the development of civil servants:

- the primary source of funding is from the public authority budget - minimum 2% of the salary fund;
- the second source of financing the training of civil servants - through the state order organized by the State Chancellery;
- the third source of funding - is provided by the development partners.

From our point of view, *the Training Program for Civil Servants for 2016-2020* has a positive effect on the development of human resource in public administration, which stimulated most public institutions to develop and approve their own internal plan for the development of civil servants within the public institution.

The internal development of civil servants within a public authority is carried out by two types of internal and external trainers. The internal trainers are the employees of the public institution, most of the times, the task of a trainer belongs to the top managers, heads of departments / services / sections or civil servants with a special qualification and experience.

The external trainers are physical or legal individuals who provide professional and personal training services in a certain domain, they are contracted, usually by competition.

The financing of these courses is made from the annual budget of the public authority in accordance with art. 37 of Law no. 158-XVI of July 4, 2008 regarding the civil service and the status of the civil servant [9].

The main state program relating to external professional development is the 'State Order regarding the professional development of civil servants' which is contracted and executed by the Academy of Public Administration. The annual number of civil servants who benefit from this program is very small, during the years 2016-2020, 6160 civil servants benefited from this program, out of the total of 32100 civil servants registered by the National Bureau of Statistics on January 1, 2019. 1232 civil servants participate on average each year, a very small number taking into account the technological progress and current requirements of the society. A negative factor of this program is the lack of transparency regarding the selection criteria of civil servants regarding the access to training programs and the lack of competition regarding the selection of trainers and training programs. [10].

Government has created a tradition of selecting the Academy of Public Administration of the Republic of Moldova as a trainer, without organizing a competition in this regard, motivating by the fact that it is the only institution specialized in training civil servants, thus reducing the competitive stimulus for the training of civil servants and consequently the quality of training programs decreases, which is to the detriment of the civil servant and public institutions.

The public authorities of the Republic of Moldova also benefit from a series of professional development programs financed by the external development partners, usually these are spent within the public authority by experts from the country and from abroad.

The training programs for civil servants provided by the external partners are often part of international development or exchange projects, they usually consist of several training tools, manuals, training courses, trainings and consulting in the territory through its experts and others.

CONCLUSION

Human resource development is a fairly important activity in the activity of any organization, whether it is a public or a private one. The upper management, including that of public institutions, needs to be more and more aware of the need to invest in their own employees if they really want to perform and ensure their competitive advantage in comparison with other institutions.

One of the main factors discouraging public authorities from investing financial resources for the professional development of their officials is the lack of approaches that would demonstrate the link between the competitiveness and quality of public services provided and the quality of human capital held.

Therefore, appears the need to assess the competitiveness of enterprises and the quality of human capital, as well as to establish quantitative relationships between these two concepts.

The effectiveness of the institution is largely determined not so much by the efforts of some isolated individuals, but by the results of a joint work. In order for the institution to remain competitive, it is necessary to stimulate the collective entrepreneurship. Solving the complex, non-standard problems that institutions currently face, requires the joint effort of all employees who have different visions, skills and abilities. Thus, it is necessary to give priority to teamwork that results in higher effects compared to individual efforts. The team is not simply a group of random people, but a formation in which a series of specific relationships between its members appear. This can solve many problems without waiting for detailed instructions from the manager, as it can act as something autonomous that can: formulate tasks, organize activities and take responsibility.

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